

#### **40 KAR 6:020. Funding assistance for child sexual abuse medical examinations.**

RELATES TO: KRS 15.900, 15.920, 15.935(1)(b), 41.400

STATUTORY AUTHORITY: KRS 15.180

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.935(1)(b) authorizes the Child Sexual Abuse and Exploitation Prevention Board to fund, from the Child Victims' Trust Fund created pursuant to KRS 41.400, the cost of child sexual abuse medical examinations to the extent the fee for an examination is a service not eligible to be paid for by Medicaid or private insurance. The function of this administrative regulation is to establish standards and criteria governing the allocation of funding assistance for the case management aspects of child sexual abuse medical examinations in accordance with KRS 15.935.

Section 1. Definitions. (1) "Applicant" means an eligible provider applying for child sexual abuse medical examination funding assistance.

(2) "Case management" means the administrative aspects of the child sexual abuse medical examination and includes the following:

- (a) Transcription of records;
- (b) Scheduling appointments;
- (c) Coordination of services;
- (d) Making referrals for services; and

(e) Consultation with multidisciplinary teams, court personnel, officers of the court, parents or guardians, social workers, law enforcement and any other party involved in the treatment or protection of the child.

(3) "Child" is defined by KRS 15.900(1).

(4) "Child sexual abuse medical examination" means a complete physical examination of a child with a special focus on the anal or genital area or oral cavity, and the case management associated with the physical examination.

(5) "Eligible provider" means a private, nonprofit agency whose primary purpose is to provide, either directly or through contract, prevention, intervention, and treatment services to sexually abused children and their families, employing a child-focused multidisciplinary team approach.

(6) "State board" is defined by KRS 15.900(4).

Section 2. Application for Child Sexual Abuse Medical Examination Funding Assistance. (1) An eligible provider may apply annually for funding assistance from the Child Victims' Trust Fund. Funding shall be used to pay for the case-management aspects of a child sexual abuse medical examination. The term of the financial assistance shall be the state fiscal year.

(2) Application for child sexual abuse medical examination funding assistance shall be made by submission of a completed:

- (a) "Application for Child Sexual Abuse Medical Examination Funding Assistance" form; or
- (b) Electronic application, if the applicant has that capability.

Section 3. Funding Requirements. (1) The total funds awarded annually by the state board to each applicant shall be limited by:

- (a) Availability of funds; and
- (b) Board approval.

(2) Reimbursement for the case management aspects of an examination shall not exceed \$150 per case.

(3) An applicant shall provide assurances to the state board that:

- (a) Funds granted will:

1. Be used solely for the purpose of reimbursing the case management aspects of child sexual abuse medical examinations;
  2. Supplement and not replace existing funds received by the applicant from other sources for child sexual abuse medical examinations; and
  3. Not be used to reimburse services for which there is private health insurance coverage, or if a third party has a legal obligation to pay; and
- (b) Every person performing a child sexual abuse medical examination service will comply with applicable state and federal licensing or certification requirements.

Section 4. Funding Criteria. Allocation of funding assistance for child sexual abuse medical examinations shall be based on funds available in the Child Victims' Trust Fund and whether the applicant:

- (1) Is currently providing, or plans to provide, child sexual abuse medical examinations:
  - (a) Directly; or
  - (b) By contract with medical providers;
- (2) Demonstrates a need for financial assistance to be used to provide medical examinations in the geographic area served by the applicant; and
- (3) Has demonstrated the ability to provide access to child sexual abuse medical examinations in the geographic region served by the applicant.

Section 5. Reporting Requirements. Within ninety (90) days from the end of the state fiscal year, an applicant receiving financial assistance under this administrative regulation shall submit a final report to the state board containing the following information:

- (1) The applicant's total child sexual abuse medical examination budget for the period funded, including:
  - (a) The amount and sources of revenue for the examinations; and
  - (b) The total amount expended on the examinations; and
- (2) The number of child sexual abuse medical examinations conducted for the period funded.

Section 6. Appeals. An applicant denied available funding under this administrative regulation shall have a right to appeal pursuant to KRS Chapter 13B.

Section 7. Incorporation by Reference. (1) "Application for Child Sexual Abuse Medical Examination Funding Assistance, December 2000", is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Victims Advocacy Division, Office of Attorney General, 1024 Capital Center Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (26 Ky.R. 1459; Am. 1677; 1797; eff. 4-12-2000; 27 Ky.R. 2551; 3071; eff. 5-14-2001.)